



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL
memorandum

TO: The Commission

FROM: Jacob Lewis
Associate General Counsel

SUBJECT: Briefs and Arguments Scheduled for July and August 2021

DATE: July 1, 2021

BRIEFS AND OTHER COURT PLEADINGS SCHEDULED TO BE FILED

- August 2, 2021 *Kenneth Moser v. FCC*, No. 21-70099 (9th Cir.). Petitioner challenges *Forfeiture Order, Kenneth Moser dba Marketing Support Systems*, 35 FCC Rcd 13415 (2020), in which the Commission fined him for unlawfully “spoofing” robocalls—i.e., sending pre-recorded calls that use manipulated or altered caller identification information to display something other than the originating telephone number.
- August 23, 2021 *Children’s Health Defense, et al. v. FCC*, No. 21-1075 (D.C. Cir.). The petitioners challenge *In the Matter of Updating the Commission’s Rule for Over-the-Air Reception Devices*, 36 FCC Rcd 537 (2021). They state the “OTARD” rule change adopted in that order violates the Constitution and upends long-standing common law personal and property rights, including rights to bodily autonomy and rights to exclude wireless radiation emitted by third parties from their homes.
- August 30, 2021 *Vincent Lucas v. FCC*, No. 21-1099 (D.C. Cir.). Pro se challenge to a Commission order, *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 35 FCC Rcd 15188 (2020), that continued the exemption from the TCPA’s telemarketing restrictions for commercial calls that do not contain advertising or solicit the purchase of goods or services.